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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,486	11/13/2000	Jeff Stewart	424992000300	4561

23550 7590 10/14/2005

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EXAMINER

DIVINE, LUCAS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/709,486	Applicant(s) STEWART ET AL.	
	Examiner Lucas Divine	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 21-40.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


KING Y. POON
PRIMARY EXAMINER

Continuation of 3. NOTE: newly added claim limitations "... providing system software for use on a client, wherein the system software includes: a print driver for generating the print file based on a document in response to a print request received from an application; and an upload manager that automatically transfers the print file over the network in response to the print request using at least one of the HyperText Transport Protocol (HTTP) or the HyperText Transport Protocol Secure (HTTPS); and on a server in the network;..." found in claim 21;

"... the client ... at the upload manager; and with the upload manager; ..." found in claim 27

"...receiving a print request for a document from an application; generating the print file based on the document in response to the print request; and automatically transferring the print file over the network in response to the print request using at least one of the HyperText Transport Protocol (HTTP) or the HyperText Transport Protocol Secure (HTTPS), wherein the automatically transferring step includes;..." found in claim 28

"... wherein the transferring step further includes..." found in claims 31, 32, 33, 34, and 35

"... means for providing system software for use on a client, wherein the system software includes: a print driver for generating the print file based on a document in response to a print request received from an application; and an upload manager that automatically transfers the print file over the network in response to the print request using at least one of the HyperText Transport Protocol (HTTP) or the HyperText Transport Protocol Secure (HTTPS); and on a server that includes: ..." found in claim 36

"... the upload manager, wherein the upload manager includes ..." found in claim 37

"... means for receiving a print request from an application; means for generating the print file based on a document in response to a print request; and means for automatically transferring the print file over the network in response to the print request using at least one of the HyperText Transport Protocol (HTTP) or the HyperText Transport Protocol Secure (HTTPS), wherein the means for automatically transferring includes;..." found in claim 38

"... providing system software for use on a client, wherein the system software includes: a print driver for generating the print file based on a document in response to a print request received from an application; and an upload manager that automatically transfers the print file over the network in response to the print request using at least one of the HyperText Transport Protocol (HTTP) or the HyperText Transport Protocol Secure (HTTPS);..." found in claim 39

"...receiving a print request for a document from an application; generating the print file based on the document in response to the print request; and automatically transferring the print file over the network in response to the print request using at least one of the HyperText Transport Protocol (HTTP) or the HyperText Transport Protocol Secure (HTTPS), wherein the automatically transferring step includes;..." found in claim 40

as well as the newly added claims 41 and 42

as well as the cancelled ASP language from claims 21 - 40

all raise issues that would require further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: It relies on the newly added claim limitations, not being entered; and the finally rejected claim limitations are still met by the prior art of record.